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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR 09-00070 SBA
Plaintiff,) STIPULATION AND ORDER
v.) CONTINUING STATUS CONFERENCE
JEROME TOY SINCLAIR,) AND EXCLUDING TIME
Defendant.)

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9:30 a.m. on Wednesday, March 2, 2011.

2. The parties request that this hearing be continued until 9:30 a.m. on Wednesday, March 30, 2011, in order to provide defendant's counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter.

3. Specifically, defendant's counsel needs the continuance in order to conduct further investigation regarding the informant in this case. The parties believe that failure to grant the above-requested continuance would deny defendant's counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

4. Thus, the parties respectfully request that the Court find that the time period from March 2, 2011, to March 30, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

MELINDA HAAG
United States Attorney

Dated: February 28, 2011

/s/
GARTH HIRE
Assistant United States Attorney

Dated: February 28, 2011

/s/
MICHAEL HINCKLEY

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled March 2, 2011, status conference hearing is vacated. A status conference hearing is now scheduled for 9:30 a.m. on March 30, 2011, before this Court.

2. The time period from March 2, 2011, to March 30, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, as set forth above, taking into account due diligence.

DATED: 3/1/2011



**HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE**